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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,499	01/12/2004	Noboru Tatsuki	0050-0155CON1	1989
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HARRITY SNYDER, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030				
EXAMINER				
PHUNKULI, BOB A				
ART UNIT		PAPER NUMBER		
2619				
MAIL DATE		DELIVERY MODE		
08/05/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/755,499

**Applicant(s)**

TATSUKI, NOBORU

**Examiner**

BOB PHUNKULH

**Art Unit**

2619

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14, 15, 22-31, 33-37 and 39-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 15, 31 and 33-35 is/are allowed.
- 6) ☒ Claim(s) 22-30, 36, 39-43 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This communication is in response to applicant's 07/21/2008 amendment(s)/response(s) in the application of **EMOND et al.** for **"METHOD AND SYSTEM FOR EMULATING A WIRELESS NETWORK"** filed 02/11/2004. The amendment/response to the claims have been entered. Claims 32, 38 have been canceled. No claims have been added. Claims 14-15, 22-37, 39-45 are now pending.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-30, 36, 39-43, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over SASAKI (US 6,345,054).

Regarding claims 22, 36, 40, 45, SASAKI discloses a network device, comprising:

a receiver section to receive an incoming cell (receiving an incoming cell, see col. 2 lines 1-9 and figure 9);

a disassembler section to produce a voice signal from the incoming cell (disassembling the received incoming cell by CLAD to produce low-speed voice data, see col. 2 line 1-9);

a detection section to determine if an operation is being performed on behalf of the incoming cell (determining whether the relay call or local call, see col. 1 lines 54 to col. 2 line 9);

an assembler section to produce a cell that includes the voice signal if the operation is being performed (convert the data to the ATM cell again by CLAD if the call is relay call, see col. 2 lines 1-9).

SASAKI fails to disclose that an identification section to add an identification signal to the produced cell before making the produced cell available to a network.

However, it would have been obvious to one having ordinary skill in that art at the time of invention was made to add any identification by the CLAD at an intermediate node when production the ATM cell to indicate that cell is relay cell.

Regarding claim 23, *SASAKI* discloses a transmission section to make the produced cell available to the network (see col. 2 lines 1-9).

Regarding claim 24, *SASAKI discloses* a transmission section to send the produced cell to a destination via the network (the relay cell is sent to the destination, see col. 1 lines 1-9).

Regarding claim 25, *SASAKI* discloses the destination is a switch (the destination is transmission device 10c, see figure 9).

Regarding claim 26, *SASAKI* discloses wherein the operation is a relay switch operation (relay call, see col. 1 lines 1-9).

Regarding claim 27, *SASAKI* discloses the detection section determines that a relay switch operation is being performed if the detection section determines that the incoming cell is received from a switch (from transmission device 10a for relay call, see figure 9)

Regarding claim 28, *SASAKI* inherently discloses the assembler section associates a destination address with the produced cell (inherent feature: the reproduce cell must have a destination address).

Regarding claim 29, *SASAKI* inherently discloses the assembler section changes the destination address of the produced cell if the operation is being performed (at transmission device 10b: the reproduce cell must have destination address as transmission device 10c for relay call, see figure 9).

Regarding claim 30, *SASAKI* discloses the network device is a voice relaying device (see col. 2 lines 1-9).

Regarding claim 39, *SASAKI* discloses sending the second voice signal to a switch (the relay cell is further send to transmission device 10c, see figure 9).

Regarding claim 41, *SASAKI* inherently discloses the disassembling the first voice cell further comprises: decoding the first voice signal (convert the incoming cell into low-speed voice compression data, see col. 1 lines 1-9); and producing a pulse code modulated (PCM) voice signal from the decoded first voice signal (producing PCM signal is inherent feature for voice communication over data network).

Regarding claim 42, *SASAKI* discloses receiving a second cell from a destination; demultiplexing the second cell to produce a received voice cell (see abstract; and figure 1); and determining if the received voice cell includes the identification signal (at the destination for relay call, the CLAD device 30c reproduce the voice signal from the relay cell, see col. 1 lines 54-67).

Regarding claim 43, *SASAKI* discloses determining that a relay switch operation is performed if the received voice cell includes the identification signal (relay call, see col. 2 lines 1-9).

***Allowable Subject Matter***

Claims 14-15, 31-35 are allowed.

Claims 37 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**Any response to this action should be mailed to:**

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Jay Patel**, can be reach on **(571) 272-2988**. The fax phone number for this group is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Bob A. Phunkulh/  
Primary Examiner, Art Unit 2619